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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
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10 CHRIS CARBAJAL,) No. 5:18-cv-01287-JVS-FFM
11 Plaintiff,)
12 v.) ORDER ACCEPTING FINDINGS,
13 NEIL M^cDOWELL, *et al.*,) CONCLUSIONS AND
14 Defendants.) RECOMMENDATIONS OF
15) UNITED STATES MAGISTRATE JUDGE

16 Pursuant to 28 U.S.C. § 636, the Court has reviewed the entire record in this
17 action, the attached Report and Recommendation of United States Magistrate Judge
18 (“Report”), and the objections thereto. Good cause appearing, the Court concurs with
19 and accepts the findings of fact, conclusions of law, and recommendations contained in
20 the Report after having made a *de novo* determination of the portions to which
21 objections were directed.

22 IT IS ORDERED that:

- 23 (a) plaintiff’s claim that the strip search violated his Eighth Amendment
24 rights is dismissed with prejudice;
25 (b) plaintiff’s First Amendment retaliation claim is dismissed with
26 prejudice;
27 (c) plaintiff’s due process claim is dismissed with prejudice;
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- 1 (d) defendants' request for qualified immunity is denied without
2 prejudice as to plaintiff's Fourth Amendment claim and Eighth
3 Amendment van confinement and waiting room claims; and
4 (e) plaintiff is granted leave to amend his Eighth Amendment van
5 confinement and waiting room claims. Plaintiff's amended pleading
6 must be filed within **30 days** of the date hereof. The amended
7 pleading must be captioned "Second Amended Complaint" and must
8 be complete in itself, without reference to the Complaint or First
9 Amended Complaint. The Second Amended Complaint must cure
10 the defects for which the Court has granted plaintiff leave to amend.
11 Plaintiff shall not add any claims or defendants to the Second
12 Amended Complaint that are not included in the Complaint or First
13 Amended Complaint.

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15 DATED: October 25, 2019



JAMES V. SELNA
United States District Judge